



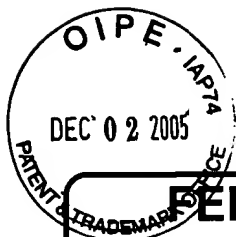
*hp*  
*2/20*

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application No.	09/540,239
	Filing Date	March 31, 2000
	First Named Inventor	Rick Dedrick
	Art Unit	3627
	Examiner Name	Michael A. Cuff
Total Number of Pages in This Submission		Attorney Docket Number 42390P7956

ENCLOSURES <i>(check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> PTO/SB/08  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Basic Filing Fee  <input type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Return postcard; check for \$500.00</div>
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Paul A. Mendonsa, Reg. No. 42,879 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	November 30, 2005

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Gigi Hoover		
Signature		Date	November 30, 2005



# FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/540,239
Filing Date	March 31, 2000
First Named Inventor	Rick Dedrick
Examiner Name	Michael A. Cuff
Art Unit	3627
Attorney Docket No.	42390P7956

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 500.00

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☐ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below

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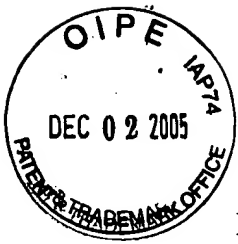
## FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500.00
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2)					(500.00)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Paul A. Mendonsa	Registration No. (Attorney/Agent)	42,879	Telephone	(503) 439-8778
Signature		Date	11/30/05		



Mail Stop: Appeal Brief-Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	Dedrick et al.	)	
		)	
Serial No.:	09/540,239	)	Group Art Unit: 3627
		)	
Filed:	March 31, 2000	)	Examiner: Cuff, Michael
		)	
Title:	Electronic Product	)	
	Packaging and Distribution	)	
	For E-Commerce	)	
		)	

**APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the Notice of Appeal filed on July 25, 2005, Applicant (hereafter "Appellant") hereby submits this Appeal Brief in support of an Appeal from the Final Decision by the Examiner in the above-captioned patent application. Appellant respectfully requests consideration of this Appeal by the Board of Patent Appeals and Interferences for allowance of the claims in the above-captioned patent application.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this Appeal. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required are hereby authorized to be charged to Deposit Account No. 02-2666.

12/02/2005 MGE BREH1 00000044 09540239

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**I. Real Party in Interest**

The real party in interest is the assignee of the full interest in the invention, Intel Corporation of 2200 Mission College Boulevard, Santa Clara, California 95054-1549.

**II. Related Appeals and Interferences**

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

**III. Status of Claims**

Claims 1-26, 29-31 are pending, of which 1, 7, 13, 17, 25 and 29 are independent.

Claims 27-28 are non-elected claims that were subject to a restriction requirement in an Office Action dated May 5, 2003.

All active claims 1-26, 29-31 were finally rejected in an Office Action mailed February 24, 2005, and are the subject of this appeal. A copy of Claims 1-26 and 29-31 as they stand on appeal are set forth in the Claims Appendix (Appendix A).

**IV. Status of Amendments**

No amendment was made after the final Office Action dated February 24, 2005. Thus, the attached Claims Appendix reflects the status of the claims.

## V. Summary of Claimed Subject Matter

The independent claims generally relate to packaging and distributing goods in an e-Commerce type of transaction, and more specifically, to extending the use of an "electronic shopping cart" for creating a "distribution package" (Specification pg 6 line 11) that can have associated rules governing access to the distribution package. The phrase "electronic shopping cart" (pg 3 lines 9-14) is used with its conventional meaning (*Id.*), e.g., as in an electronic equivalent of cart supplied by a retailer in which customers may conveniently carry items to ultimately be purchased at a check-out counter. In an electronic realm, a retailer provides a virtual storefront of goods, and customers may review various goods and elect to place them in an electronic shopping cart until ready to purchase them (*Id.*). Amazon.com is a well known example of a retailer providing an electronic shopping cart. Various recited embodiments extend (Abstract) electronic shopping cart use by allowing the contents of a cart to be designated (pg 7 lines 12-16) a distribution package that can be redistributed to others, where access rules may be associated with the package to ensure correct access to the distribution package (pg 4 lines 4-7, 15; pg 8 lines 15-16).

Independent **claim 1** recites a method of extending, as discussed above, use of an electronic shopping cart to facilitate defining a distribution package. In particular, an acting party, such as an employee (pg 4 lines 5-6; pg 7 lines 12-16) connects to an online distribution server (pg 5 line 20) such as a virtual storefront, reviews a list of goods available for distribution either electronically or physically (pg 7 lines 6-10), e.g., by way of a shipment, and goods from the list are selected. Selected goods (pg 11 line 19) are added to an electronic shopping cart, and creation of a distribution package according to contents of electronic shopping cart is requested

pg 11 lines 7-11). Access restrictions for the distribution package are then assigned (pg 12 lines 5-10).

Independent **claim 7** concerns a machine-accessible medium having instructions encoded thereon capable of directing a machine to perform operations analogous to claim 1 discussed above.

Independent **claim 13** concerns using an electronic shopping cart to facilitate defining a distribution package (FIG. 3; Specification pg 11 lines 1-6, 18-22). Claim 13 has features in common with claim 1, but recites operations from a server perspective. Thus, rather than connecting to a server as in claim 1, instead a connection is received from a manager-client (pg 11 lines 4, 7) by an online distribution server. An identifier is determined to identify the manager-client (pg 8 lines 7-9; pg 9 line 10). Based on authenticated credentials for the manager-client, a list of goods is sent based at least in part on the client identifier (FIG. 3 item 252; pg 11 lines 9-11), for which a selection of goods may be received (FIG. 3 item 254; pg 11 line 19). Selected goods are added to an electronic shopping cart (*Id.*), which as recited, is a client-side cart. A distribution package can then be created for the selected goods based on the contents of the client-side electronic shopping cart (FIG. 3 item 264; pg 12 line 13). Access restrictions can be assigned (FIG. 2 item 262; pg 12 lines 11-12) for the distribution package, where the restrictions control access to the distribution package (pg 8 lines 7-13).

Independent **claim 17** concerns a machine-accessible medium having instructions encoded thereon capable of directing a machine to perform operations analogous to claim 13 discussed above.

Independent **claim 25** concerns using an electronic shopping cart to facilitate defining a distribution package (FIG. 3; Specification pg 11 lines 1-6, 18-22). Claim 25 has some basic

features in common with claim 13, however claim 25 does not require the connection from the manager-client be received by an online-distribution server. As discussed in the specification (see, e.g., 7 line 17-pg 8 line 6) the manager-client may interact with multiple servers.

Thus, in claim 25, a connection is received from a manager-client (pg 11 lines 4, 7). An identifier is determined to identify the manager-client (pg 8 lines 7-9; pg 9 line 10), and based on credentials for the manager-client, a list of goods is sent based at least in part on the client identifier (FIG. 3 item 252; pg 11 lines 9-11), where the list of goods includes goods that are available for electronic and/or physical distribution (Specification Summary; pg 7 lines 6-10). Goods on the list may be selected (FIG. 3 item 254; pg 11 line 19) and added to an electronic shopping cart (*Id.*) associated with the manager-client. A distribution package can then be created for the selected goods based at least in part on the contents of the client-side electronic shopping cart (FIG. 3 item 264; pg 12 line 13).

Independent **claim 29** concerns a method for updating goods that may already be installed on an existing client. A client connects (FIG. 2 item 200; pg 5 line 20) to a distribution server (Summary; FIG. 1 item 102; pg 5 lines 15-19) having associated packages (*Id.*), each package identifying selected ones of electronic and physical goods (*Id.*) and updates (pg 6 line 8) thereto, and each package having an associated access control set by a creator of the package (pg 12 lines 5-10). The client receives a list of goods identifying at least one good available by electronic distribution (pg 9 lines 12-15; FIG. 2 item 208; pg 10 line 4), and the client can select a good that is available for electronic distribution (pg 7 line 7). A determination can be made whether a good is currently installed on the client (pg 12 line 16-128), and if so, whether an update to the good is available (*Id.*). If an update is available, it is installed (pg 6 line 8).

## **VI. Grounds of Rejection to be Reviewed on Appeal**

Claims 1-26 and 29-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt (U.S. Patent No. 5,991,807) in view of Misra (U.S. Patent No. 6,189,146).

## **VII. Argument**

A. Claims 1-26 and 29-31 are patentable under 35 U.S.C. §103(a) over Schmidt (U.S. Patent No. 5,991,807) in view of Misra (U.S. Patent No. 6,189,146).

### **1. Neither Schmidt nor Misra teaches or suggests the recited use of an "electronic shopping cart" in independent claims 1, 7, 13, 17, and 25.**

As discussed above in the Summary of Claimed Subject Matter, the independent claims generally relate to extending conventional use of an "electronic shopping cart" for use in creating a "distribution package" that can have associated rules governing access to the distribution package. It is well known that conventional use of a shopping cart is to use the cart to track goods that one might wish to purchase from an online storefront. Appellants respectfully submit the recited use of an electronic shopping cart to build packages of goods having associated access restrictions is a novel application of electronic shopping carts.

In rejecting claims 1-26 and 29-31, in the February 2, 2005 Final Office Action, the Examiner states at:

Page 2: Schmidt et al. shows all of the limitations of the claims except for specifying selecting goods and the use of a 'public key'.

Page 3: Misra et al. teaches a system and method for software licensing where 'the license generator digitally signs the license pack and encrypts it ... to provide a secure transfer of information between the generator and the server.

It is respectfully submitted that there simply is nothing in Schmidt that teaches or even remotely suggests the recited "electronic shopping cart"; in fact, there is nothing of *any* kind in Schmidt to



teach or suggest commerce activity (it is noted a text search of Schmidt for any of the following terms fails: commerce, cart, shopping, sale).

While Schmidt does teach some sort of ability to identify a network user and restrict user access to network resources (Abstract; col. 2 lines 37-42) through use of existing LAN access controls (col. 3 lines 27-34), there simply is nothing in Schmidt that corresponds to or even remotely suggests the recited electronic shopping cart.

However, in the first Office Action dated October 4, 2002, the Examiner points to Schmidt's Figure 6 "screen list 70" as teaching the recited electronic shopping cart. Appellants traverse this application of Schmidt because there is no such teaching. See, for example the associated description in Schmidt at col. 8 lines 7-10 for screen list 70:

In addition to the User Access (time and day) administration, **the preferred embodiment of the invention is adapted for controlling the specific IP Addresses and Port Numbers for each user and/or user group.** This is done by activating the screen depicted in FIG. 6, by clicking on the "Internet Access" box 86 of FIG. 4. In the example, access is controlled by group identity. For the group "Admin", all members of the group have access to the IP Addresses and Port Numbers displayed in window 70 of FIG. 6, and marked by the check. Those marked with "x" are not accessible. "\*. \*" specifies total Internet access.

It should be readily apparent that the screen list 70 simply shows access rights associated with members of a networking group, e.g. the "Admin" group. There is no hint or suggestion in Schmidt that this access control list 70 has any relation to an electronic shopping cart. Consequently, it is respectfully submitted that Schmidt cannot, as suggested by the Examiner, render obvious the "electronic shopping cart" limitation of claims 1, 7, 13, 17, and 25.

It should also be noted that the Examiner states at the page 5 "Response to Arguments":

Applicant asserts that Schmidt et al. does not show an electronic shopping cart. The examiner does not concur. Applicant is arguing limitations, which are not in the claims. The Schmidt reference meets the metes and bounds of the broadly recited claims.

Applicant may choose to further limit the broad term "electronic shopping cart" by definition or by further claim limitations. ...

Applicant asserts that Schmidt is simply the wrong kind of reference to cite against the recited embodiment. The examiner does not concur. Applicant may wish to limit the claim language in manner that the "wrong kind of reference" does not still read on the invention.

Given that the phrase "electronic shopping cart" is affirmatively present in the independent claims, and has clear meaning in the state of the art as well as by definition within the Specification, Appellants simply do not understand the Examiner's basis for saying "Applicant is arguing limitations, which are not in the claims."

One possible explanation is the Examiner simply does not appreciate the nature of the recited "electronic shopping card". This possibility is suggested by the characterization of the claims at page 4 of the February 24, 2005 Office Action, in which the Examiner states:

Based on the above discussion, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Schmidt et al. system such that access to specific goods on the Internet could be selected in order to allow access to sites with some desirable parts and some undesirable parts.

As should be apparent from the foregoing discussion, this statement by the Examiner does not represent what is recited and it is submitted the Examiner has failed to make a facie case of obviousness.

**2. The Examiner has failed to specifically reject claim 29 (and its dependent claims).**

In response to the Final Office Action dated September 2, 2003, Appellants filed a RCE and an amendment adding new claims 29-31. In the June 2, 2004 non-final Office Action, contrary to MPEP §706.02(j), the Examiner failed to address the limitations of these new claims.

In particular, the Examiner has failed to give any indication where Schmidt and/or Misra teach or suggest claim 29's recited client connecting to a distribution server that distributes

"packages" identifying selected ones of electronic and physical goods and updates thereto, and each package having an associated access control set by a creator of the package. Similarly, the Examiner has failed to give any indication where Schmidt and/or Misra teach or suggest the recited determining a good currently installed on a client has an update obtainable from a distribution server, and the recited updating the installed good with the update.

In the February 2, 2005 Final Office Action, the Examiner essentially copies the previous Office Action argument and again fails to provide grounds for rejecting claim 29.

Thus claims 29-31 have not been properly rejected and therefore the Examiner has failed to make a facie case of obviousness. However, it is respectfully submitted, that in accord with the discussion above, neither Schmidt nor Misra, whether considered individually or one in view of the other, renders claim 29 obvious as suggested by the Examiner.

As discussed above, in Arguments 1a and 1b, the deficiencies of Schmidt are not cured through combination with Misra. Therefore, for the reasons stated above, Appellants strongly assert the suggested combinations are unworkable, and as a consequence, the recited embodiments of claims 1, 7, 13, 17, 25 and 29 cannot be rendered obvious as suggested.

**3. The Examiner impermissibly engages in hindsight reasoning to meet the recited selecting "goods from the list" in claims 1, 7, 13, 17, and 25, and the "receiving a list of goods" and "selecting the good" in claim 29.**

In rejecting claims 1-26 and 29-31, in the February 2, 2005 Final Office Action, the Examiner states at:

Page 2: Schmidt et al. shows all of the limitations of the claims except for specifying selecting goods and the use of a 'public key'.

Page 4: with the Schmidt et al. invention, an employer may not allow access to magazines on the Internet. **If given enough interest**, it would be obvious further to allow access to business weekly magazine (a specific good), but not a pornographic magazine.

(Emphasis added.)

It is respectfully submitted that neither Schmidt nor Misra teach nor suggest selecting "goods from the list" as recited in claims 1, 7, 13, 17, and 25, nor the "receiving a list of goods" and "selecting the good" as in claim 29. and hence the suggested combination is unworkable.

The Examiner readily admits Schmidt fails to teach the recited selecting goods. Consequently, to meet the "selecting" limitations, it is respectfully submitted the Examiner has applied something akin to impermissible hindsight reasoning in violation of Manual of Patent Examining Procedure (MPEP) §2141 ("The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention").

The phrase "something akin to" is used because an underlying problem with the Examiner's hindsight reasoning in that the Examiner has read into Schmidt a teaching of providing access to a magazine (or other good) over the Internet where there is no such teaching in Schmidt. While it is true that Schmidt teaches some sort of access control to network resources as discussed above, including restricting access to the Internet network, there is no teaching of accessing a specific good as stated by the Examiner (note that a text search of Schmidt fails for the terms: magazine, book, article, good). Consequently, it is respectfully submitted that the suggested combination of Schmidt and Misra cannot render claimed embodiments obvious.

However, even assuming arguendo that Schmidt does in some fashion teach accessing the recited "good" as stated by the Examiner, then the statement "if given enough interest" shows this rejection requires a level of interest not found in Schmidt and, one it is respectfully submitted can only be obtained by impermissibly applying hindsight reasoning by taking the teaching of the present invention and looking to find corresponding teaching from Schmidt.

While it is understood, as stated in MPEP §707.07(f) Examiner Note 7.37.03 that "it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning," such reconstruction (or hindsight) is allowable "so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure" (emphasis added). This assumption of "enough interest" requires hindsight reasoning, and hence for this reason alone the suggested combination of Schmidt and Misra is improper.

**4. The Examiner has failed to make a prima facie case of obviousness.**

As discussed in MPEP §2143, three criteria must be met to establish a *prima facie* case of obviousness. MPEP 2143. There must be some suggestion or motivation, either in the references themselves or in the knowledge available to one of skill in the art, to combine the references. *Id.* There must be a reasonable expectation of success. *Id.* And, lastly, the prior art references must teach or suggest all the claim limitations. *Id.* "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure." MPEP 2143 (*citing In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

As discussed above in Argument 1 and Argument 2, the Examiner failed to establish that recited embodiments are obvious. But, in addition, the Examiner has failed to establish a *prima facie* case of obviousness for at least the following reasons: (1) the Schmidt and Misra references do not suggest the combination or motivate one skilled in the art to combine them as suggested by the Examiner; (2) the deficiencies of Schmidt and Misra combined do not teach or suggest all of the claim limitations of independent claims 1, 7, 13, 17, 25, and 29; and (3)

Schmidt and Misra combined do not teach or suggest all of the limitations of dependent claims 2-6, 8-12, 18-24, 26, and 30-31. Regarding point (3), there has been no convincing showing of where the documents relied on by the Examiner teach or suggest the following exemplary dependent claim features:

claims 4, 10, 16, 20: storing access privileges locally to the client;

claims 5, 6, 11, 12: providing for both electronic and physical goods;

claims 21, 26: goods are from at least two different sources;

claim 31: having the creator of a distribution package be a superior to a client operator.

Consequently, due to the failure to establish a *prima facie* case of obviousness, it is respectfully submitted all active claims are allowable over Schmidt and Misra as relied on by the Examiner.

**5. Each Office Action asserts "omnibus" rejections contrary to MPEP §707.07(d).**

MPEP 707.07(d) "Language To Be Used in Rejecting Claims" states in part:

An omnibus rejection of the claim "on the references and for the reasons of record" is stereotyped and usually not informative and should therefore be avoided. This is especially true where certain claims have been rejected on one ground and other claims on another ground.

In rejecting claims 1-26 and 29-31, in the February 2, 2005 Final Office Action, and all previous Office Actions, the Examiner has resorted to broad "omnibus" rejections that sweep all claim rejections into a few dense paragraphs calling out various features from different claim embodiments and series. While it is believed the rejections fail for other reasons as discussed in Arguments 1-4, it is respectfully submitted the structure and nature of the rejections inherently make it extremely difficult to respond to the Examiner's rejections, and essentially impossible to determine whether each and every limitation of each of the active claims is really being addressed by the Examiner.

Dedrick  
Appl. No. 09/540,239

In particular, for example, the claim 29 series as discussed above in Argument 2 does not appear to have been examined at all by the Examiner.

Due to the confusing structure, it is respectfully submitted the Examiner has failed to show how the documents relied on teach or suggest every limitation of all active claims. Appellants respectfully demand the rejections be withdrawn.

Conclusion

In view of the foregoing, favorable reconsideration and reversal of the rejections is respectfully requested. Early notification of the same is earnestly solicited. If there are any questions regarding the present application, the Examiner and/or the Board is invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

Dated: November 29, 2005

Steven D. Yates  
/ Steven D. Yates # 42,242 /  
Senior Attorney  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 4000, Alexandria, VA 22313 on:

November 30, 2005  
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Gigi Hoover  
Name of Person Mailing Correspondence

Gigi Hoover  
Signature

11-30-05  
Date

***Appendix A: Claims Appendix***

1. (Previously Presented) A method of using an electronic shopping cart to facilitate defining a distribution package, comprising:

connecting to an online distribution server;

receiving a list of goods available for electronic and/or physical distribution to a client;

selecting goods from the list;

adding said selected goods to an electronic shopping cart;

requesting creation of a distribution package according to contents of electronic shopping cart; and

assigning access restrictions for the distribution package, said restrictions controlling access by the client to the distribution package.

2. (Original) The method of claim 1, further comprising:

sending a client identifier to the online distribution server;

wherein said list has contents constrained according to access privileges associated with the client identifier.

3. (Original) The method of claim 2, wherein the access privileges associated with the client identifier are stored on the online distribution server.

4. (Original) The method of claim 2, further comprising:

storing said access privileges within the client identifier;

wherein said access privileges are signed with a public key of the online distribution server.



5. (Original) The method of claim 1, wherein the goods comprise physical goods, electronic goods, or services.

6. (Original) The method of claim 5, wherein a first grouping of the goods is available electronically, and a second grouping of the goods is unavailable electronically but is available through physical shipping to a client.

7. (Previously Presented) A machine-accessible medium having instructions encoded thereon for using an electronic shopping cart to facilitate defining a distribution package, said instructions, when accessed, capable of directing a machine to:

connect to an online distribution server;

receive a list of goods available for electronic and physical distribution to a client;

select goods from the list;

add said selected goods to an electronic shopping cart;

request creation of a distribution package according to contents of electronic shopping cart; and

assign access restrictions for the distribution package, said restrictions controlling access by the client to the distribution package.

8. (Previously Presented) The medium of claim 7, said instructions including further instructions to direct the machine to:

send a client identifier to the online distribution server;

wherein said list has contents constrained according to access privileges associated with the client identifier.

9. (Original) The medium of claim 8, wherein the access privileges associated with the client identifier are stored on the online distribution server.

10. (Previously Presented) The medium of claim 8, said instructions including further instructions to direct the machine to:

store said access privileges within the client identifier;

wherein said access privileges are signed with a public key of the online distribution server.

11. (Original) The medium of claim 7, wherein the goods comprise physical goods, electronic goods, or services.

12. (Original) The medium of claim 11, wherein a first grouping of the goods is available electronically, and a second grouping of the goods is unavailable electronically but is available through physical shipping to a client.

13. (Previously Presented) A method of using an electronic shopping cart to facilitate defining a distribution package, comprising:

receiving a connection from a manager-client by an online distribution server;

determining a client identifier;

sending a list of goods to the manager-client based at least in part on the client identifier;

receiving a selection of goods from the list;

adding said selected goods to a client-side electronic shopping cart;

receiving a creation request for a distribution package;

creating the distribution package from the contents of the client-side electronic shopping cart; and

assigning access restrictions for the distribution package, said restrictions controlling access by user-clients to the distribution package.

14. (Original) The method of claim 13, further comprising:  
determining client access rights associated with the client identifier; and  
restricting the list of goods according to said client access rights.

15. (Original) The method of claim 14, wherein the access privileges associated with the client identifier are stored in a second memory of the online distribution server.

16. (Original) The method of claim 14, further comprising:  
storing said access privileges within a client memory storage;  
wherein said access privileges are signed with a public key of the online distribution server so as to prevent tampering of said access privileges by the client.

17. (Previously Presented) A machine-accessible medium having instructions encoded thereon for using an electronic shopping cart to facilitate defining a distribution package, said instructions, when accessed, capable of directing a machine to:

receive a connection from a manager-client by an online distribution server;  
determine a client identifier;  
send a list of goods to the manager-client based at least in part on the client identifier;  
receive a selection of goods from the list;  
add said selected goods to a client-side electronic shopping cart;

receive a creation request for a distribution package;  
create the distribution package from the contents of the client-side electronic shopping cart; and  
assign access restrictions for the distribution package, said restrictions controlling access by user-clients to the distribution package.

18. (Previously Presented) The medium of claim 17, said instructions including further instructions to direct the machine to:

determine client access rights associated with the client identifier; and  
restrict the list of goods according to said client access rights.

19. (Original) The medium of claim 18, wherein the access privileges associated with the client identifier are stored in a second memory of the online distribution server.

20. (Previously Presented) The medium of claim 18, said instructions including further instructions to direct the machine to:

store said access privileges within a client memory storage;  
wherein said access privileges are signed with a public key of the online distribution server so as to prevent tampering of said access privileges by the client.

21. (Original) The method of claim 1, wherein the list of goods comprises goods available from at least two different sources communicatively coupled with the online distribution server.

22. (Original) The method of claim 1, wherein the distribution package has at least one portion having a security requirement restricting access to the portion to clients meeting the security requirement.

23. (Original) The method of claim 13, further comprising:  
validating the selection of goods based at least in part on the client identifier.

24. (Original) The medium of claim 17, said instructions to create the distribution contents further comprising instructions capable of directing the machine to:  
validate the selection of goods based at least in part on the client identifier.

25. (Original) A method of using an electronic shopping cart to facilitate defining a distribution package, comprising:  
receiving a connection from a manager-client;  
determining an identifier for the manager-client;  
assembling, based at least in part on the identifier, a list of goods available for electronic and/or physical distribution to a user-client;  
receiving a selection of a good from the list;  
adding said selected good to an electronic shopping cart of the manager-client;  
receiving a request for creation of a distribution package determined based at least in part on the contents of the electronic shopping cart.

26. (Original) The method of claim 25, wherein the list of goods comprises goods from at least two different sources.

29. (Original) A method comprising:

a client connecting to a distribution server having associated packages, each package identifying selected ones of electronic and physical goods and updates thereto, and each package having an associated access control set by a creator of the package;

receiving a list of goods identifying at least one good available by electronic distribution;

selecting the good available for electronic distribution;

determining the good is currently installed on the client;

determining an update to the good is available from the distribution server; and

updating said installed good with the update.

30. (Original) The method of claim 27, further comprising:

responsive to determining the update, automatically performing the updating said installed good.

31. (Original) The method of claim 27, in which the creator has a relation to the client, the method further comprising:

determining an operator of the client;

wherein the relation includes the creator being a superior of the client.

***Appendix B: Evidence Appendix***

No evidence has been submitted in the present appeal.

***Appendix C: Related Proceedings Appendix***

There are no related proceedings.